IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

Bail Appl..No. 7370 of 2006()

CP.24/2006 of ADDL.C.J.M., ERNAKULAM
CRL.M.C.NO.1451/06 OF SESSIONS COURT, ERNAKULAM.
CRIME NO.345/06 OF HILL PALACE POLICE STATION.

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: PETITIONER/6TH ACCUSED:

MUHAMMED ALI,
S/O.MUHAMMED UNNI HAJI, AGE 65 YEARS,
KAPPUNKAL HOUSE, UPPUKULAM P.O., ALANELUR,
PALAKKAD.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENTS: COMPLAINANT:

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
HILL PALACE POLICE STATION.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7370 OF 2006

DATED THIS THE 18TH DAY OF DECEMBER, 2006

O R D E R

Petitioner who is the 6th accused in Crime No.345/01 of Hill Palace Police Station for offences punishable under sections 489B and 489C read with section 34 IPC, seeks his enlargement on bail. He was arrested on 1.9.2006.

2. While disposing of the earlier bail application filed by the petitioner as B.A.No.6323/06, this court in its order dated 21.11.2006 observed as follows:

The grievance of the petitioner is that the learned Sessions Judge had again dismissed his bail application without complying with the above directions.

3. When the matter was ascertained through the Sessions Judge, as per letter dated 15.12.2006, the Sessions Judge has informed this court that the above direction was not brought to his notice either by the counsel for the petitioner or by the Prosecutor. Hence it has become necessary for directing the Sessions Judge to consider the said direction once again as and

when an application for bail is filed by the petitioner. The counsel for the petitioner also submitted that except the first accused, all other accused who faced trial have been acquitted by the trial court. The learned Sessions Judge shall consider this aspect of the matter also while disposing of the bail application. Accordingly, if the petitioner files an application for bail before the Sessions Judge, Ernakulam within three days from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn